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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 10**  
1200 Sixth Avenue  
Seattle, Washington 98101

October 20, 1997

Reply To  
Attn. Of: ECL-116

**INFORMATION REQUEST LETTER**  
**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

John R. Wheeler  
Occidental Chemical Corporation  
Corporate Office  
P.O. Box 809050  
Dallas, Texas 75380-9050

Re: Commencement Bay Nearshore/Tideflats Superfund Site, Tacoma, Washington  
Thea Foss and Wheeler Osgood Waterways

Dear Mr. Wheeler:

In 1983, the United States Environmental Protection Agency (EPA) listed the Commencement Bay/Nearshore Tideflats (CB/NT) site on the Superfund National Priorities List. Since that time, EPA has been investigating the source, extent, and nature of releases (or potential releases) of hazardous substances at the CB/NT site. Late next year, EPA is planning to identify and start negotiations with parties that may be responsible for contamination in the Thea Foss and Wheeler Osgood Waterways. These parties are known as potentially responsible parties, or PRPs. Negotiations with PRPs will focus on implementation of the sediment cleanup in the Thea Foss and Wheeler Osgood Waterways.

It appears that you, or your company, may have owned or conducted business at a facility or property in the CB/NT area, specifically in the vicinity of the Thea Foss or Wheeler Osgood Waterways. Accordingly, EPA requests that you provide information relating to the identification, nature, and quantity of materials which have been or are currently generated, treated, disposed of, or stored at your facility or property. EPA also requests that you provide information concerning the nature or extent of any releases, or threatened releases, of hazardous substances, pollutants or contaminants at or from your facility or property, or other facilities or properties in the Thea Foss or Wheeler Osgood portions of the CB/NT site. While your receipt of this information request is not an indication of your liability, information in your response may be used by EPA to identify PRPs, who will then be contacted regarding the sediment cleanup action.

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This information request is made pursuant to the authority of Section 104(e) of the Comprehensive Emergency Response Compensation and Liability Act (CERCLA), 42 U.S.C. Section 9604(e), and Section 3007 of RCRA, 42 U.S.C. 6927, and is set forth in Enclosure A. Your response to this request for information must be submitted (postmarked or hand delivered) to EPA within thirty (30) calendar days of receipt of this letter.

EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. Please refer to Enclosure A for further information regarding confidential business information.

**Please be aware that compliance with this information request is mandatory.** Your legal obligation to respond truthfully to each question within the prescribed period is independent of your potential liability under Section 107 of CERCLA. Failure to respond fully and truthfully to this Information Request within thirty (30) days of receipt or to adequately justify failure to respond can result in enforcement action by EPA pursuant to Section 104(e) of CERCLA and Section 3008 of RCRA. Each of these statutes permits EPA to seek the imposition of penalties of up to \$25,000 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. 1001 or Section 3008(d) of RCRA.

Attached to Enclosure A is a Declaration, which must be signed and returned to EPA with your response. Please refer to the enclosed request for further information on how to comply with this information request.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501, et seq.

Your response to this Information Request should be mailed to:

Ken Marcy  
U.S. EPA Region 10 (ECL-116)  
1200 Sixth Avenue  
Seattle, WA 98101

EPA strongly encourages you to give this matter your immediate attention and respond to this Information Request within 30 days of receipt. To assist you in this effort, enclosed with this letter is information which describes the CB/NT site and the Thea Foss/Wheeler Osgood problem area, as well as EPA's response activities at the site to date (Enclosure C).

If you have any questions pertaining to this letter, please contact Ken Marcy, PRP Search Coordinator for the Thea Foss and Wheeler Osgood Waterways, at (206) 553-2782; Christine Psyk, the Remedial Project Manager for the Thea Foss and Wheeler Osgood Waterways, at (206) 553-1748; or direct your attorney to contact Lori Houck, Assistant Regional Counsel, at (206) 553-1115. For further information about EPA's community relations activities in the Commencement Bay area, please contact Jeanne O'Dell at (206) 553-6919. You may also contact any of the EPA staff members listed above by calling EPA's toll free number: (800) 424-4372.

Sincerely,

Chris D. Field  
Unit Manager  
Emergency Response/Site Cleanup Unit I

Enclosures